

The Gazette of India

ॐ नमो भगवते वासुदेवाय

EXTRAORDINARY PART II—Section 3 PUBLISHED BY AUTHORITY

No. 199] NEW DELHI, THURSDAY, JULY 5, 1956

ELECTION COMMISSION, INDIA

Before the Election Tribunal, Rajahmundry (Andhra)

NOTIFICATION

Rajahmundry, the 25th June 1956

S.R.O. 1525A.—In pursuance of the provisions of Sub-Section 1 of Section 90 of the Representation of People Act, 1951 (XLIII of 1951) the following Election Petition presented under Section 81 thereof is published for information.

ELECTION PETITION No. 5 of 1956

To

The Election Commission, New Delhi.

Election Petition presented by Sri N. Sankara Reddi under Sections 81, 82, 83 & 84 of the Representation of the People Act.

Petitioner: N. Sankara Reddi.

Vs.

- | | |
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| 1. Yashoda Reddi.
2. A. Balarama Reddi.
3. Vemula Chenna Kesava Rao.
4. Villuri Venkataramana.
5. K. Rahamathunisa.
6. Nanduri Sri Janakiraman.
7. K. Ramasubamma.
8. K. Sharifudeen.
9. N. Venkatasubbiah. | } Respondents |
|---|---------------|

The address for service for petitioner and respondents is as follows:—

N. Sankara Reddi—Petitioner, 43/115, Narasingaraopet, Locality-2, Kurnool Municipality.

Respondents

1. Yashoda Reddi, C/o Sri G. Nagireddy, District Judge, Eluru.
2. A. Balarama Reddi, Kalahasti, Chittoor District.
3. Vemulla Chenna Kesavarao, Ongole, Guntur district.

4. Villuri Venkataramana, S/1 Joggi Naidu, Joginadugari Street, Gavara-palem, Anakapalli Post, Visakhapatnam district.
5. K. Rahamathunisa, C/o Mr. K. M. Rahamatullah, Ex-M.P. Landholder, Anantapur.
6. Nanduri Sri Janakiraman, Communist Party Office, Buckinghampet, Vijayawada.
7. K. Rama Subbamma, Member, Municipal Council, Cuddappah.
8. K. Sharaffuddeen, C/o Sri Immamuddin, 8th W, 6/121, Anantapur.
9. N. Venkatasubbiah (Nivarti), Sanjeevinagar, Nandyal.

1. The petitioner stood for election for a seat in the Council of States in the Election held in February and March 1956, to be elected by the members of the Andhra State Legislative Assembly Members.

2. The petitioner and respondents were duly nominated by the Returning Officer and out of the 9 respondents duly nominated, respondents 6, 7, 8 and 9, withdrew from the contest and the petitioner and respondents 1 to 5 contested the Election.

3. Election was held on 22nd March 1956, and respondents 1 to 4 were duly declared elected and the result of election was published in the Government of India Gazette Extraordinary, dated 3rd April 1956.

4. The petitioner is hereby enclosing a Government Treasury Receipt for Rs. 1,000 in favour of Secretary, Election Commission as security for costs.

5. The 1st respondent namely, Yashoda Reddi, who was one of the persons declared elected, is not duly qualified to be nominated and to stand for election because she was only 28 years old at the time of nomination and according to Article 84 of the Constitution of India, a candidate for election to the Council of States has to be not less than 30 years of age to be chosen to fill a seat in the Council of States.

6. The attention of the Returning Officer to the above disqualification of the 1st respondent was drawn by filing an objection in writing by one of the respondents, to the nomination of the 1st respondent, but, the Returning Officer, accepted improperly, the nomination of the 1st respondent without any proper enquiry whatever and without giving any reasonable opportunity to substantiate the objection.

7. The petitioner therefore submits that the election of the 1st respondent has to be set aside for non-compliance with the mandatory provisions of the Constitution of India [Sub-clause (b) of Article 48] under Sub-clause 2, sub-clause c, of Sec. 100 of the Representation of the People Act.

8. The petitioner submits that the election being under the single transferable vote system, the result of setting aside the election of 1st respondent would result in setting aside the whole election inasmuch as the result of election has been materially affected by the improper acceptance of the nomination of the 1st respondent under clause (1) Sub Clause (c) of Sec. 100 of the Representation of the People Act.

9. Further, petitioner submits that the election as a whole is materially affected by the ballot papers not being initialled or otherwise marked by the Polling Officer as is required by Electoral Regulations.

10. The petitioner further submits that the election as a whole is illegal by reason of undue influence having been exercised by the party in power issuing a mandate to the Electors to vote for particular candidates only. The petitioner further submits that by reason of the above conduct on the part of the Congress Party in power, the free exercise of Electoral right was directly or indirectly interfered with, with the connivance of the candidates elected and therefore the election as a whole must be set aside under Sub-Clause (1) Sub-Clause (a) of Section 100 R. P. Act inasmuch as undue influence has extensively prevailed at the election.

11. Petitioner therefore prays:

- (i) that the election of the 1st respondent be declared void.
- (ii) for declaring election to be wholly void; and
- (iii) for costs of the petition.

(Sd.) N. Sankara Reddy,
Petitioner.

I, N. Sankara Reddy, petitioner, hereby declares that the facts stated above in paragraphs 1, 2, 5, 4, 6 are true to my personal knowledge and facts mentioned in paragraphs 7, 9, 10 are based on information which the petitioner believes to be true.

Dated this 28th day of May 1956.

(Sd.) N. Sankara Reddy,
Petitioner.

[No. 1 of 1956.]

T. H. M. SADASIVAYYA, Chairman.

By Order,
DIN DAYAL,
for Chief Election Commissioner.

